



HULL CONSERVATION COMMISSION

THURSDAY, May 28th, 2020
(held remotely via GoToMeeting)

Members Present: Paul Paquin, Sean Bannen, Paul Epstein, Tammy Best, Lou Sorgi
Members Absent: Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Assistant Conservation Administrator
Staff Absent: None
Minutes: Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below rollcall **vote** of 5-0;
It was **voted** to: Approve the Minutes of May 12, 2020 as amended.

S. Bannen – aye
P. Paquin – aye
P. Epstein – aye
T. Best – aye
L. Sorgi – aye

6:08 Call to order with the following roll-call; P. Paquin – aye, T. Best – aye, L. Sorgi – aye, S. Bannen – aye.

6:11 46 Summit St. Map 54/Lot 024. Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **William and Renate Devin** for work described as **raze and construct new house**

Representatives: Renata Devin and John Cavanaro

Abutters/Others: Barbara Daly; C. Anne Murray; Susan (?)

Documents: "Site Plan" – Cavanaro Consulting – 4/30/2020

J. Cavanaro presented the proposed project as described above. He stated that there is currently 190 sq. ft. of a structure within 100' of the coastal bank, which will be decreased to 30 sq. ft. within the buffer. He added that the grading of the site will essentially be staying the same. The Commission noted that the project is only partially in the buffer zone and will result in less of an impact to the resource than what is currently onsite.

A member from the public asked what the setback would be to Summit Ave., to which the Commission stated that is not within their purview, but allowed J. Cavanaro to respond. J. Cavanaro noted that the proposed setback will essentially match the pre-existing garage. C. Anne Murray asked if there would be any plan to close Summit Avenue for the construction work and then asked when the work would begin. Cavanaro said that he is not aware of any such plans and that due to Covid-19, construction is somewhat in flux. B. Daly asked if there was any water table concern and expressed concern because she is downhill from the site. J. Cavanaro noted that they aren't planning on changing the grades. He added that there is currently no stormwater control onsite and when the home is demolished and reconstructed, they will uncover any issues and it will be rebuilt to code. C. Anne Murray asked if the home would be a single-family home, to which the Commission noted that it is not a Commission issue, but allowed J. Cavanaro to respond that it will be a single-family. Susan (a member of the public) asked about the lot coverage, to which J. Cavanaro said they are not seeking zoning relief for lot coverage. B. Daly asked where questions not under the Commission's purview should be directed, to which the Commission said the Building Department.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **issue** a Negative Determination of Applicability.

P. Epstein – aye
T. Best – aye
L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye

6:10 243 Kingsley Rd. Map 22/Lot 162 (SE35-1527). Opening of a Public Hearing to **Amend the Notice of Intent (Order of Conditions)** filed by **Joan MacDonald** for work described as **add additional permeable driveway, change proposed permeable driveway to asphalt driveway, and install fencing.**

Representatives: Joan and Joe MacDonald

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan (annotated)" – Nantasket Survey Engineering, LLC – 2/7/2020, annotated 5/5/2020

A Commissioner noted that because the proposed fence is in a flood zone, it should be constructed in such a way that does not re-direct water. J. MacDonald agreed to construct the fence 6" off the ground to allow for water to pass freely.

One Special Condition was added as follows:

- 1) The fence shall be elevated a minimum of 6" off the ground to allow water to flow freely under the fence. This flow through area shall remain open in perpetuity and will not expire at the end of three years.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;
It was **voted** to:
Close the Public Hearing and **approve** the Amended Order of Conditions.
T. Best – aye
L. Sorgi - aye
S. Bannen – aye
P. Paquin – aye
P. Epstein – aye

6:28 150 Samoset Ave., Map 21/Lot 077 (SE35-1546) Opening of a Public Hearing on the Notice of Intent filed by Barbara La Fleur for work described as install new fence.

Representatives: Barbara LaFleur

Abutters/Others: Randy Gould (2 Cushing St); Bob Decoste (137 Samoset Ave)

Documents: "Plot Plan" – William M. King & Associates – 6/15/2001 (annotated 5/28/2020)

A Commissioner noted that because the proposed fence is in a flood zone, it should be constructed in such a way that does not re-direct water, such as being elevated 6". B. LaFleur noted that the proposed fence would be chain-linked and would therefore allow any water to flow freely. C. Krahforst noted that the plan appears to show land that is on the railroad bed, to which B. LaFleur said that the fence would be solely on her property. A Commissioner questioned the accuracy of the surveyed plan from 2001. R. Gould of 2 Cushing St also expressed concern over the railroad bed and expressed further concern over people taking over the railroad bed. After discussion on the accuracy of the plan, C. Krahforst noted that per GIS, it appears that the shed shown on the 2001 plan has since moved and is no longer on the applicants property; it has been moved onto the railroad bed property. He added that because the applicant is requesting to enclose the shed, they are proposing to run a fence on the railroad bed. A Commissioner noted that the Board of Selectmen has granted licenses to encroachment on the railroad bed and would most likely grant an Order with a condition, contingent on a license from the Board of Selectmen. Another Commissioner expressed concern over the survey, to which other Commissioners disagreed, as it is clear the work is on the railroad bed and the cost to show it on a plan would be too much. A Commissioner asked the applicant if they were aware that a portion of land as shown on the survey is the railroad bed and therefore not their property, to which B. LaFleur said no and that the plan was provided by the town. A Commissioner suggested that the applicant look through their files for a more accurate survey, to which she agreed. B. LaFleur said she wants to construct a flow-through fence to enclose her large dog. B. Decoste said that he is thankful that the applicant has gone before the Commission, to follow the law on obtaining a permit. He added that the fence would add to the neighborhood and then noted that he doesn't believe the project is on the railroad bed.

C. Krahforst said that on GIS, the GIS layer shows the property to be approximately 120' deep; the shed that is shown on the survey that was submitted is currently in a different place and is no longer on the applicant's property. The Commission determined that if the applicant follows the dimensions shown on the proposed plan, that the project will remain on the applicant's property. It was again noted that the existing shed appears to not be on the property.

Two Special Conditions were added as follows:

- 1) As described in the public hearing, the fence shall be chain-linked. The Commission determines that a chain-linked fence provides sufficient flow-through for water and will not adversely impact the resource areas.
- 2) For any portion of the fence that is to be installed on the town-owned railroad bed, the property owner shall obtain a license from the Board of Selectmen prior to beginning the work.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions.
L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye
P. Epstein – aye
T. Best – aye

6:52 125 Main St., Map 02/Lots 005 & 003 (SE35-1523). Continuation of a Public Hearing on the Notice of Intent filed by Stephanie Aprea for work described as construct foundation and install boat house on new foundation. The applicant requested a continuance to 06/09/2020 at a time TBD

The Commission determined that although the applicant still has not informed the Commission if they will move forward with the second proposal for a peer review, the hearing should be continued one more time, until such a decision has been made.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined. The applicant shall determine if a peer review will be conducted and if not, the Commission will vote on the information they have.

S. Bannen – aye
P. Paquin – aye
P. Epstein – aye
T. Best – aye
L. Sorgi – aye

6:25 15 Fair St., Map 28/Lot 060 (SE35-1538), Opening of a Public Hearing on the Notice of Intent filed by Ashley Rand for work described as installation of a 15' x 30' oval above ground pool and fence.

Representatives: None present

Abutters/Others: No one spoke

Documents: "15 Fair St Plan" – 24hrPlans.com – n.d.

S. Clarren said that to her knowledge, the plan is exactly as described above. She relayed that she had requested a better plan, but this is all that has been provided. A Commissioner said that because the area is a flood zone, the fence should be elevated so it does not re-direct water. Another Commissioner expressed concern that an above ground pool would deflect water and suggested a vegetated buffer between the abutting property of approximately 10'. The Commission concluded that because no one was present to address the Commission's concerns, the hearing should be continued. The Commission also requested a revised plan that more accurately details the site and proposed plan.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined.

P. Paquin – aye
S. Bannen – aye
P. Epstein – aye
T. Best – aye
L. Sorgi – aye

6:30 19 H St., Map 14/Lot 012 (SE35-1542) Opening of a Public Hearing on the Notice of Intent filed by Linda Sickler for work described as 100' sq. ft. deck addition and installation of an above ground pool.

Representatives: Linda Sickler

Abutters/Others: No one spoke

Documents: "Mortgage Inspection Plan" – Member Advantage Mortgage, LLC – 1/11/2019, annotated 2020

A Commissioner expressed concern that an above ground pool would deflect water and therefore suggested that it should be, at a minimum, 10' off of the lot line and there should be a permeable buffer around it, to which L. Sickler agreed. Another Commissioner asked if a fence would be installed around the pool, to which L. Sickler said that the fence is part of the pool.

Three Special Conditions were added as follows:

- 1) A minimum 10' vegetated permeable buffer shall remain in perpetuity around the pool to prevent runoff to abutting properties. This condition is ongoing and will not expire at the end of three years.
 - 2) Pool water shall not be discharged to nearby stormwater catch basins, nor emptied into the ground. Water will need to be contained and removed for disposal off site in a manner that is consistent with all pertinent local, state, and federal regulations. This condition is ongoing and will not expire at the end of three years.
 - 3) The property owner shall obtain all applicable permits regarding the project from other municipal departments prior to beginning work. This includes, but is not limited to, the Building and Health Departments.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

P. Epstein – aye
T. Best – aye
L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye

7:04 25 Beach Ave., Map 27/Lot 010 (SE35-1541). Opening of a Public Hearing on the Notice of Intent filed by Siobhan McGurk for work described as abandon septic system, repair associated existing concrete patio, replace existing stockade fence with new shadow box fence (6" off grade), and install new sewer line connection to Town sewer.

Representatives: Siobhan McGurk

Abutters/Others: Scott Martin (attorney for 16 Manomet Ave); Brian Kiley (Hull Sewer Department); John Struzziery (Hull Sewer Department); Marjorie McCloud (18 Manomet Ave); J. Rudy (16 Manomet Ave)

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 8/12/2005

The Commission asked if anyone is present to represent the project, to which S. McGurk said she was. A. Martin said that he is representing the owners of 16 Manomet Ave who would be impacted as a result of the work. He said that he was present the other night and expressed concern regarding the opening of the hearing as the abutters received late notice and they are not prepared. He added that there is also a legal dispute regarding lot lines, and therefore if the project has been appropriately filed. He alleged that the work should have been done years ago and that given the issues, it is inappropriate for it to be heard until the issues are resolved with the abutters. He added that the proposed plan shows work on 14 and 16 Manomet Ave, which has not been granted. A. Martin alleged that he spoke with the owner of 14 Manomet who may work out a potential agreement, but Martin added that in his conversations with the Sewer Department, there are other options for the sewer hookup, which haven't been explored, such as hooking up to the line at 16 Manomet Ave. A. Martin then asked for a continuance of the hearing, for the above mentioned reasons, to which the Chair said that an abutter cannot ask for a continuance. He asked S. McGurk, the applicant, if she would like to continue the hearing to resolve the issues previously raised, to which S. McGurk said no. She said that A. Martin does not have the full picture of what has gone on.

She then said that the project is actually a multi-phased project and she is currently seeking approval for first phase and then conditional approval based on the other moving pieces. She said that she is dealing with an outdated septic system which failed inspection in September 2019. In the interim, she has been exploring different options. Where it stands now, in order to comply with Title V, she has to abandon the septic system onsite. She added that there is no internal plumbing working, but it needs to be compliant, which is why the permit request was filed. The options for tying into the sewer system include 1) potentially tying in with neighbors (possible at 14 Manomet or 26 Beach Ave/16 Manomet), or a dedicated 'T' that was put in when the Town's line was put in and she can install her own lateral. She said that the worst case scenario would be for a manual digging to abandon septic and then to install across Rudy's property. To do that, they would need to remove the pre-existing fence/patio and would replace it in-kind, which is part of the permit request. She added that the only other feasible option they are looking at is horizontal drilling, which would involve minimum disturbance. She said that she had someone conduct a site visit on Tuesday and she is waiting to hear back on a proposal regarding the feasibility of horizontal drilling. She said that the owner of 16 Manomet Ave. has objected to any disturbance of their property and that although she is trying to accommodate that, she wants to start the permitting process so the property can be compliant with Title V.

B. Kiley of the Sewer Department said that it is a difficult parcel to sewer as it has no direct access to the public sewer line and therefore any sewer service will likely require an easement/agreement with abutters, which the Town will not be involved in. He stated that the Town sewer ends at the right of way. He then stated that the Sewer Department has provided S. McGurk with numerous options that the Town would be agreeable to, contingent on if she is able to reach an agreement with her neighbors. A Commissioner noted that it appears that S. McGurk needs approval to run the sewer line through abutting property and those agreements should be reached prior to a permit being issued. A Commissioner noted that it looks like the request is for the whole project, not just a portion. A Commissioner noted that there is no clear decision on how and where the sewer line would go and how it would be done; they added that it's difficult to permit something that the applicant doesn't exactly have a decision on. They added that the only thing they could be able to permit would be the removal of the septic tank as it is on her property.

S. McGurk said that she had thought because it was a phased project, she could apply for the worst case scenario, which she has. She added that if she should've just applied to abandon the septic, she can do that, she just wants the process to begin as having a faulty septic tank could be dangerous. The Commission asked how the septic tank is removed, to which S. McGurk said it would be done to code (310 CMR 15354) which specifies that the whole system will be pumped and cleaned, a hole will be punched in the bottom so that it doesn't accumulate any further liquids, and then it's filled with clean material and would remain buried. She said that it won't disturb soil and that it is very environmentally friendly. Another Commissioner circled back to previous discussion to agree that because permissions have not been granted, the Commission cannot review/approve a sewer line. They then asked what a shadow boxed fence is, to which S. McGurk said it is a staggered fence which allows for privacy as well as flow-through.

A Commissioner asked S. Clarren, Assistant Conservation Administrator, how to proceed if the applicant will only be pursuing a portion of the proposed project. S. Clarren responded by stating that in the past, the applicant has been able to annotate the plan, removing the portions of work no longer being permitted. She added that if the Commission issues an Order for only a portion of the work, the Order will be worded as such. A Commissioner asked if there is documentation detailing how the septic system will be abandoned in the file. J. Struzziery said that whenever there is a failed septic system, they are required to connect to the Town's sewer system and they are not able to put another septic system in. A Commissioner asked Struzziery if because the applicant doesn't have permission to cross over abutting land for the sewer line, is it wise for the applicant to pursue abandoning the septic system, to which Struzziery said that with all of the options that have been presented, one is bound to be agreeable to the parties. A Commissioner then asked A. Martin if the abandoning of the septic is reasonable, to which A. Martin asked if there would be any potential impact on the abutting

property if the septic system is abandoned, to which J. Struzziery said that he's only visited the site once, but doesn't believe so. Struzziery added that vehicular access may be the only inconvenience to abutters, but that's temporary. A. Martin then alleged that the filing is pre-mature if the sewer department hasn't fully reviewed the plan to ensure no impact on the neighbors. J. Struzziery said that the Sewer Department generally isn't involved with the abandoning of a septic system and that such work more so falls under the Board of Health. He added that right now it is a public health hazard and needs to be addressed. A Commissioner asked S. Clarren if there is detail in the file on how the septic system would be abandoned, to which S. McGurk said that she does have information from a contractor recommended by the Sewer Commission which outlines the process and will forward that to the Conservation Department. A. Martin said he would also like to review it, to which S. McGurk said that he already does have a copy, but she will provide another one. A. Martin said that the Sewer Department should also review such a plan and determine if the abutters will be impacted. A Commissioner noted that they felt that the application was premature, to which another Commissioner disagreed, in regards to the abandoning of the septic system.

M. McCloud of 18 Manomet Ave said that she hasn't seen any of the plans and asked about the failed septic system. S. McGurk said that when it was inspected, it was still working and didn't fail on that basis. S. McGurk said that they were told they couldn't use it indefinitely and in January/February it stopped being used and to her knowledge it isn't leaking and there is no smell. S. McGurk said that may change if there is a flooding event. M. McCloud then asked why a hole would be punched in the bottom of the tank when it is being abandoned, to which S. McGurk said it would be cleaned first and that the hole would allow any clean water that may enter the tank in the future to flow out to the groundwater. M. McCloud asked how there would be truck access, to which S. McGurk said that usually the truck sits on the street and they run a hose. M. McCloud again said that she hasn't seen the plans, to which S. Clarren said that no one, to her knowledge, has requested to view the plans. M. McCloud alleged she received late notice.

The Commission asked if S. McGurk would entertain a continuance, to which she said she would, but expressed concern that it may fail further in the meantime. The Commission asked Struzziery if the Commission should grant approval for septic abandonment if it is truly in danger at this time, to which Struzziery said that he believes a septic tank can be pumped without the Commission's approval as it is maintenance of a structure.

Joel Rudy of 14 Manomet Ave said that he's in favor of pumping the system, but has concern regarding the filling of the tank and requested that it be done manually as a truck will not fit in the area, to which S. McGurk agreed.

The Commission discussed a continuance and said that in the meantime, the tank can be pumped without a WPA permit.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined.

T. Best – aye
L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye
P. Epstein – aye

7:46 The Commission determined that there shall be a brief, 5 minute recess.

7:56 159 Beach Ave., Map 19/Lot 065 (SE35-1545). Opening of a Public Hearing on the **Notice of Intent** filed by **William McKim** for work described as **install proposed decks**.

Representatives: David Ray

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 5/1/2020

"Foundation Plan" – Pierce Home Designs – 4/28/2020

D. Ray presented the project as described above. He noted that one deck would be re-built in its pre-existing location and the new deck in the front of the home would be constructed on sonotubes.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye
P. Epstein – aye
T. Best – aye

7:59 201 Beach Ave. Map 17/Lot 073 (SE35-1543). Opening of a Public Hearing on the **Notice of Intent** filed by **Claudine Grossman** for work described as **install proposed 46 foot sewer line**.

Representatives: David Ray (surveyor)

Abutters/Others: no one spoke

Documents: "Proposed Sewer Line Plan" – Nantasket Survey Engineering, LLC – 5/8/2020

D. Ray presented the proposed project as described above. Even though it falls outside of their purview, a Commissioner questioned what the purpose of the sewer line is, to which D. Ray said that his clients want to convert the garage into a cabana, with a restroom.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

S. Bannen – aye

P. Paquin – aye

P. Epstein – aye

T. Best – aye

L. Sorgi – aye

8:02 233 Beach Ave. Map 26/Lot 085 (SE35-1544). Opening of a Public Hearing on the Notice of Intent filed by Kimberly Krivitsky for work described as convert existing house to proposed 3-story house, add deck and addition.

Representatives: Kimberly Krivitsky; David G. Ray (Surveyor)

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 5/4/2020

"Foundation Plan" – Paul Bonarrigo, P.E. – 4/15/2020

D. Ray presented the proposed project as described above. He said that the existing home is not FEMA compliant and the proposed work would include making it compliant. He added that the basement would eventually be filled in and the home would be elevated. He added that once the home is elevated, the garage would be underneath the home. There is an addition and deck in the rear.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

P. Epstein – aye

T. Best – aye

L. Sorgi – aye

S. Bannen – aye

P. Paquin – aye

8:06 15 Marginal Rd., Map 35/Lot 013 (SE35-1533) Opening of a Public Hearing on the Notice of Intent filed by Vincent Dolan for work described as proposed home built in place of existing home.

Representatives: David Ray (surveyor); owners

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 8/26/19, last rev. 4/23/20

"Foundation Plans" – Paul Bonarrigo – 4/25/2017

"Pile Location Plan" – Paul Bonarrigo – 11/05/2019

The Commission said that they had reviewed the project and originally denied it because of parking in an area that regularly floods. The hearing has been re-advertised and re-opened. D. Ray said that the plan remains the same, save the two parking spots have been removed, per guidance given by the Zoning Board of Appeals. The homeowners will continue to park on the street. S. Clarren questioned that the ZBA has not had the matter on an agenda, to which D. Ray relayed that the Building Commission reached out to the Board and given that the pre-existing conditions of parking on the street, it's permissible to not show parking on the plan.

Two Special Conditions were added as follows:

- 1) During construction, no heavy machinery shall be allowed on the beach; piles shall be driven and all work shall be done from the street side of the property.
 - 2) Although no wetlands delineation was submitted for the site, the Commission recognizes the close proximity of the project to a wetland. The saltwater wetland shall not be adversely impacted by construction or post-construction. Prior to commencing work, the applicant shall submit pictures of the site to the Conservation Department. The pictures shall detail vegetation onsite. The Commission reserves the right to require restoration if the resource area is impacted. The salt marsh on the property shall be protected in perpetuity and this condition will not expire at the end of three years.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;
It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

8:12 55 Stafford Rd. Map 26/Lot 015 (SE35-1540) Opening of a Public Hearing on the Notice of Intent filed by Greg Grey for work described as attaching farmers porch to front of house; remove and replace existing addition.

Representatives: Alex and Greg Grey

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 5/4/2020

A. Grey said that the plan has not changed from what is described above.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

7:05 10 Berkley Rd. Map 38/Lots 20 & 21 (SE35-1537). Opening of a Public Hearing on the Notice of Intent filed by Rocco Realty Trust for work described as raze existing single-family dwelling and build new multi-family dwelling.

Representatives: Jeff Hasset (Morse Engineering)

Abutters/Others: No one spoke

A Commissioner noted that because proof of abutter notification has not yet been provided, the hearing should not be opened. J. Hasset agreed to continue the hearing to 6/9.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined.

P. Epstein – aye

T. Best – aye

L. Sorgi – aye

S. Bannen – aye

P. Paquin – aye

8:20 1083 Nantasket Ave. Map 08/Lot 029. (SE35-XXXX) Opening of a Public Hearing on the Notice of Intent filed by Dean Doty for work described as after-the-fact installation of front porch and steps, rear addition, addition of 2nd floor to portion of house as shown on plans, and connector.

Representatives: Dean Doty

Abutters/Others: No one spoke

Documents: "Proposed Plot Plan (annotated) – Bryan Paramenter – 8/8/15 (annotated 5/20/2020)

A Commissioner noted that on site visits, it was difficult to determine what the permit request is. D. Doty said that he is seeking a permit for the new open porch and steps. He said that the porch is the only thing that would change the footprint. He added that in the rear of the home, he had thought that he had received a permit for the kitchen and second floor addition, but the Building Department said otherwise. The Commission expressed concern over the installation of the glass railing around the property. D. Doty said that was done years ago when they first moved in. The Commission asked S. Clarren what has been permitted on site, to which she relayed that she is not in the office, but C. Krahforst is checking. The Commission said that it appears the wall looks like it has been glazed and expressed concern over walls in a FEMA VE Zone. The Commission asked about the poured concrete wall in the front of the home, to which D. Doty said that he believed that was in the previous permit. The Commission asked the applicant for a continuance to review what is onsite, the previous approved plan, and the proposed plan. S. Clarren added that the Commission would have to continue the hearing regardless, as DEP has not yet issued a file number.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined.

T. Best – aye

L. Sorgi – aye

S. Bannen – aye

P. Paquin – aye

P. Epstein – aye

8:33 1111 Nantasket Ave. Map 07/Lot 033 (SE35-1539). Opening of a Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by the Sewer Dept., Town of Hull to confirm surrounding wetland resource areas.

Representatives: Brian Kiley and John Struzziery (Hull Sewer Department); Duke Bistsko (Hatch); Mitch Buck (WHG)

Abutters/Others: Peter Dewey (1131 Nantasket Ave)

Documents: "Wastewater Treatment Facility Nature-Based Resiliency Measures" – Woods Hole Group – 5/11/2020

Brian Kiley of the Sewer Department presented. He said that the Town received CZM grant to increase coastal resiliency with Nature-Based Solutions. Through the grant, a vegetated berm is proposed, but that is not in this filing. He said that the purposed of the filing is to evaluate the barrier beach designation. D. Bistsko of Hatch said that they are seeking a determination on the barrier beach delineation of the site. He added that they are also looking at the other wetlands onsite, including the fresh water and salt water systems delineations. He said that the location of the three resource areas that they are seeking the Commission to review and approve the location of will impact a future proposal. He then walked the Commission through the location of the resource areas onsite as currently mapped (barrier beach and FEMA flood zone) and through the fresh and salt water wetlands as delineated in late 2019. D. Bistsko said that a WHG wetlands scientist delineated the wetlands onsite. Approximately 240 linear feet of BVW just north of the treatment facility. He noted that the BVW had not been mapped by the state, but they were professionally flagged by a wetlands scientist. The wetland is dominated by phragmites. While mapping BVW, salt marsh vegetation was noted and the saltwater marsh system (5200 sq ft) was also flagged. D. Bistsko said that there is a culvert that leads from the lowest point of the mapped salt marsh, under the facility, under Spring St, and comes out the revetment in Hull Bay. A Commissioner asked why there is discussion on other resource areas besides the barrier beach, to which D. Bistsko said that they are also seeking a determination on the fresh and saltwater wetlands as mapped. He then continued to state that there is a flapgate that is not functioning as intended and during high tide events, water will backflow up through the culvert into the salt marsh.

D. Bistsko then went on to read the following portion of the WPA regarding Barrier Beaches:

"Barrier beaches are maintained by the alongshore movement of beach sediment caused by wave action. The coastal dunes and tidal flats on a barrier beach consist of sediment supplied by wind action, storm wave overwash and tidal inlet deposition. Barrier beaches in Massachusetts undergo a landward migration caused by the landward movement of sediment by wind, storm wave overwash and tidal current processes. The continuation of these processes maintains the volume of the landform which is necessary to carry out the storm and flood buffer function."

He then continued to state that the area currently and historically appears to be stable. In terms of what a barrier beach is and protects, the language in the WPA states that

"When a proposed project involves removal, filling, dredging or altering of a barrier beach, the issuing authority shall presume that the barrier beach, including all of its coastal dunes, is significant to the interest(s) specified above. This presumption may be overcome only upon a clear showing that a barrier beach, including all of its coastal dunes, does not play a role in storm damage prevention, flood control, or the protection of marine fisheries, wildlife habitat, or land containing shellfish, and if the issuing authority makes a written determination to such effect."

He concluded by stating that they do not believe the area functions as a barrier beach and have submitted a new proposed barrier beach line that does not include the area in the Sewer Department.

A Commissioner relayed that it doesn't appear to function as a barrier beach. Another noted that it can't function as a barrier beach if there is a wastewater treatment facility present. S. Clarren relayed that much of Hull is designated as a barrier beach, but it may not function as a barrier beach; that doesn't mean it *isn't* a barrier beach. She then went on to say that if the facility wasn't there, it's likely that it *would* function as a barrier beach and therefore expressed concern of removing the designation. She asked if CZM has reviewed the delineation, to which D. Bistsko said that they submitted plans 1.5 weeks ago and have not yet received a response. He added that DEP also received a copy of the plans. S. Clarren relayed that DEP had no comments when they issued a file number, but that is very common. She, along with a Commissioner, expressed interest in obtaining comments from CZM on the delineation prior to closing the hearing. M. Buck of WHG relayed that because the project is made possible by a CZM grant, they are working closely with CZM on the project; he relayed that CZM suggested that an ANRAD be filed with the Commission. J. Struzziery reiterated that they are working closely with CZM, MEPA and other state agencies on the project. M. Buck then added that according to the borings (in the application), there wasn't significant traces of sand in the area currently designated as barrier beach; historic data also appears to have an estuarine environment in the area of question.

P. Dewey of 1131 Nantasket Ave expressed concern over the culvert that isn't working and that his property didn't use to flood, but it does now because the culvert doesn't work. B. Kiley relayed that there are tentative plans to clear the culvert in the future. A Commission expressed concern over determining if it is a historic marsh, it should not be negatively impacted as it's a resource area.

The Commission determined that they would like written comments from CZM regarding the delineation and requested the applicant to permit a continuance, to which they agreed.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 6/09/2020 at a time to be determined.

L. Sorgi – aye

S. Bannen – aye

P. Paquin – aye

P. Epstein – aye

T. Best – aye

Certificate of Compliance Requests:

216 Nantasket Rd SE35-1365: P. Epstein **Motion**, L. Sorgi **2nd**, following roll-call vote of 5-0; S. Bannen –aye, P. Paquin – aye, P. Epstein – aye, T. Best – aye, L. Sorgi – aye; issue CoC.

Continued and New Business

Floodplain Fences (continued): Discussion postponed to the next meeting

Next Meeting: No discussion.

Meeting Schedule: No discussion.

Violations and Compliance issues

166 Cadish Ave.: S. Clarren relayed that the Department received an anonymous tip that someone was digging on the bay-side lot and placing of crushed shells. She relayed that Krahforst visited the site, issued a verbal cease and desist, and the property owners have since filed for a permit. She added that it will be on the next agenda.

125 Main St, continuing activities/use of Town Beach: S. Clarren relayed that daily fines are still being administered. No further discussion.

Midge problem: A Commissioner asked for discussion on midges to be placed on the next agenda. S. Clarren relayed that there will be an in-depth presentation and discussion regarding Straits Pond and the midges on Tuesday, 5/2.

9:13 Upon a **motion** by P. Paquin and **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to: Adjourn.

S. Bannen – aye

T. Best – aye

L. Sorgi – aye

P. Epstein – aye

P. Paquin – aye